

CITY OF WEST DES MOINES PLAN AND ZONING COMMISSION COMMUNICATION

Meeting Date: August 31, 2015

Item: S & F/Karp PUD, Northeast corner of S. 41st Street and Mills Civic Parkway
– Amend S & F/Karp PUD development and architectural standards for Parcel C within the PUD – Highgates Plaza, LLC – ZC-002740-2015

Requested Action: Approval of Rezoning Request

Case Advisor: Brian S. Portz, AICP

Applicant's Request: The owner of the property at the northeast corner of S. 41st Street and Mills Civic Parkway is proposing to construct a multi-tenant office building on the site that will house professional offices such as an insurance office, real estate office, etc. Commercial development has always been intended for the site and is stipulated within the PUD, however the architectural requirements within the PUD require architecture that is residential in character. The applicant would like to construct a building on the site that has a more modern look and not residential in character. This amendment to the PUD proposes modifications to the architecture section of the PUD that applies to parcel C within the PUD (the subject property) in order to accommodate the architecture of the proposed building.

The PUD designates this property with a C-1, Restricted Commercial District zoning classification. This is a zoning classification that no longer exists within the City Zoning Code. The applicant is also proposing to designate the property with a Support Commercial zoning designation, consistent with that indicated on the City's adopted Comprehensive Plan Land Use map.

History: The subject property was annexed into the City in 1957. The S & F/Karp PUD was approved in 1991 with amendments in 1995, 1999, 2006 and 2008. The two most recent amendments allowed for the development of the Chapel Ridge Apartments and Vineyard Ridge Townhomes.

City Council Subcommittee: This item was presented at the August 27, 2015 Development and Planning City Council Subcommittee as an informational item. No disagreement with the proposal was expressed.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. Staff would summarize the following key points of interest:

- **Architectural changes:** The applicant is proposing a multi-tenant office building for the site that will be designed with large store front aluminum clad type windows along with a flat roof which doesn't meet the residential architectural requirement for this parcel stated within the PUD. The proposed amendment to the architecture requirements is intended to allow the proposed building design on the property while still protecting the integrity of the PUD and the surrounding area. Staff is comfortable with the proposed building design due to the more modern and non-residential design of the City Library and Learning Resource Center across the street, as well as due to the separation from the Chapel Point apartments and Vineyard Ridge townhomes because of the large overhead power transmission lines.
- **Support Commercial Zoning Designation:** The applicant is requesting to change the zoning designation of Parcel C to Support Commercial. The zoning designation currently stated in the PUD is for C-1, Restricted Commercial which is a classification no longer utilized. As indicated above, designating the zoning of the property as Support Commercial is consistent with the Comprehensive Plan land use designation for the property. It should be noted, this change in zoning designation will allow the proposed building to be up to 36' in height which is 6' taller than that currently allowed under the C-1 designation. The additional height will allow for any necessary parapet walls or other detailing necessary to screen roof-top mechanical units on the building.

Comprehensive Plan Consistency: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Findings: This proposed project was distributed to various city departments for review and comment. Based upon that review, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare and safety of the community.
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the zoning designation and Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

Staff Recommendation And Conditions Of Approval: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the Plan and Zoning Commission adopt a resolution recommending the City Council approve an amendment to the S & F/Karp PUD to amend the zoning designation and architectural standards for parcel C of the PUD, subject to the applicant meeting all City Code requirements.

Noticing Information: On August 21, 2015, notice for the August 31, 2015, Plan and Zoning Commission and September 8, 2015, City Council Public Hearings on this project was published in the Des Moines Register Community Section. Notice of these public hearings was also mailed to all surrounding property owners within 370 feet of the subject property on August 18, 2015.

Property Owner: Highgates Plaza, LLC
119 Glen Park Avenue
Toronto, Ontario M6B 2C6
joseph@highgates.com

Applicant's Representative: Michael Gaunt
Bishop Engineering
3501 104th Street
Urbandale, IA 50322
mgaunt@bishopengr.com

Attachments:

- Attachment A - Plan and Zoning Commission Resolution
- Exhibit A - Conditions
- Attachment B - Location Map
- Attachment C - Proposed PUD Ordinance Amendment

RESOLUTION NO. PZC

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO THE S & F/KARP PUD TO MODIFY LANGUAGE RELATING TO DEVELOPMENT AND ARCHITECTURAL STANDARDS FOR PARCEL C WITHIN THE PUD

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Highgates Plaza, LLC, has requested an amendment to the S & F/Karp PUD (ZC-002740-2015) to amend development and architectural standards for Parcel C within the PUD.

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on August 31, 2015, this Commission held a duly-noticed hearing to consider the application for Rezoning Request (ZC-002740-2015);

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated August 31, 2015, or as amended orally at the Plan and Zoning Commission hearing of August 31, 2015, are adopted.

SECTION 2. REZONING REQUEST (ZC-002740-2015) to amend development and architectural standards for Parcel C within the PUD is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated August 31, 2015, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on August 31, 2015.

Craig Erickson, Chairperson
Plan and Zoning Commission

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on August 31, 2015, by the following vote:

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

ATTEST:

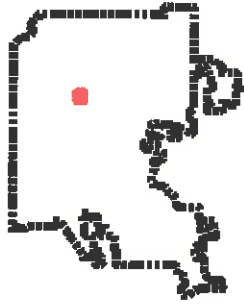
Recording Secretary

Exhibit A
Conditions of Approval

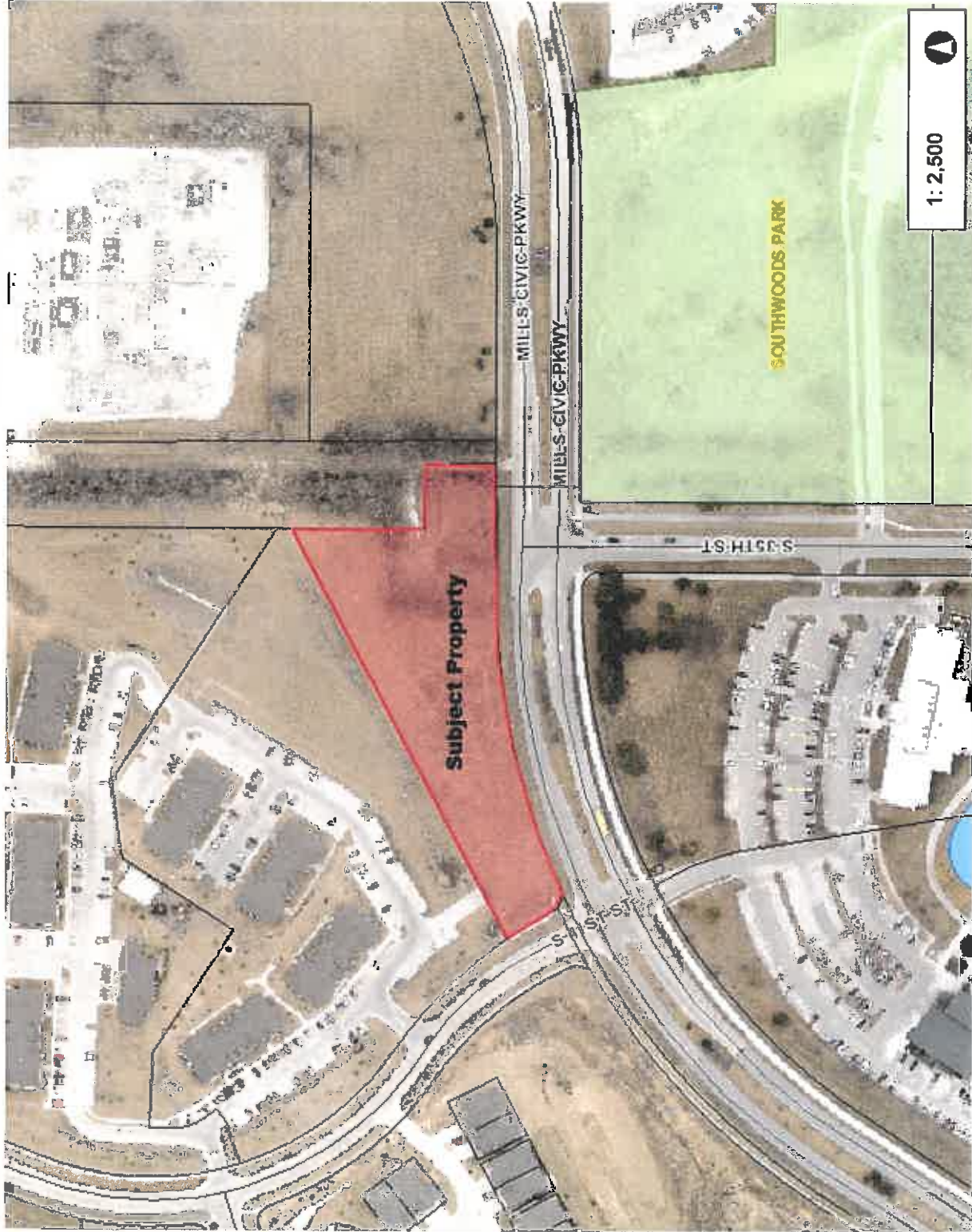
1. No conditions of approval.



S&F/Karp PUD Amendment



- Legend**
- Parcels
 - Parks
 - Greenways



1:2,500

416.7 0 208.33 416.7 Feet

Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Prepared by: B. Portz, Development Services, PO Box 65320, W.D.M., IA 50265-0320, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, AND ORDINANCE #947, 1118, 1357, 1679, and 1795 PERTAINING TO P.U.D. (PLANNED UNIT DEVELOPMENT) DISTRICT REGULATIONS AND GUIDELINES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. AMENDMENT. Ordinance #947, 118, 1357, 1679, and 1795 pertaining to the **S and F/Karp Planned Unit Development (PUD)**, Section 010-03: *Conditions*; Subsection B: *Land Use Design Criteria*; Subsection 3: *Parcel C*; is hereby amended by deleting the following highlighted text and adding the following bolded text:

3. Parcel C: All general use regulations, performance standards and provisions set forth in ~~article XIII of ordinance 430 title 9 of the city code~~ for the ~~C-1 restricted commercial~~ **Support Commercial (SC)** district shall apply to any development proposal for the property within parcel C as shown on the sketch plan, except as shall be further provided herein. This parcel shall encompass a maximum of three (3.0) acres.

- a. Permitted Uses: Permitted uses within parcel C shall include all uses permitted within the ~~C-1 restricted commercial~~ **Support Commercial (SC)** district, except clothes cleaning and laundry pick up stations, convenience stores, laundrettes, or variety stores shall be prohibited. Additionally, no drive-through facility or outdoor display or storage area shall be permitted within parcel C except a drive-through facility for a financial institution may be permitted.
- b. Development Standards: Lot area, lot frontage and yard requirements shall comply with standards of the ~~C-1~~ **Support Commercial (SC)** zone district unless otherwise stated herein.

Parking lots and buildings and/or structures shall be set back a minimum of sixty feet (60') from Civic Parkway. Parking lots shall be sufficiently screened, as practical, from public street view and surrounding residential properties with the use of landscaping, earth berming, and/or wall structures as may be required by the city. Particular emphasis shall be placed upon the open space, landscaping and overall site design to effectively convey an attractive and aesthetically pleasing image of development within parcel C as the site relates to the Civic Parkway entryway from the future Interstate 35 interchange into the city of West Des Moines.

- c. Architecture: The architectural design of any building shall be acceptable to the city, provided acceptance shall not be unreasonably withheld, and all buildings within the parcel shall ~~be residential in character and have as a primary element of the exterior being fascia glass, face brick, concrete panels, or stone panels, with all sides of any building built within the parcel consistent in design and use of materials~~ **attempt to express a creative presentation by careful attention to exterior building materials and details, use of fenestration, and change in building mass within the plan and roof design to lessen the plainness of appearance which**

can be characteristic of commercial buildings. Primary materials of the exterior shall be: curtain wall glass, face brick or stone or architectural metal panels. All sides of the building shall receive high quality materials, finishes, and details (360 degree architectural treatment). No wood, masonite, visible asphaltic exterior wall or roof material, aluminum siding, nonarchitectural sheet metal, concrete block, or other similar materials shall constitute a portion of any building exterior except as a trim material, unless the city council of West Des Moines, after review by the ~~planning and zoning commission~~ **Plan and Zoning Commission** of West Des Moines shall determine said material when used as a primary element, enhances the physical appearance.

SECTION 2. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of the Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 3. VIOLATIONS AND PENALTIES. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in 1-4-1 of the City Code of the City of West Des Moines, Iowa.

SECTION 4. OTHER REMEDIES. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council on the ____ day of _____, 2015.

Steven K. Gaer, Mayor

ATTEST:

Ryan T. Jacobson
City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2015.

Ryan T. Jacobson
City Clerk